

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**TYRONE H. MASSEY,**

**Plaintiff,**

**-against-**

**IOSIF SHPITS, M.D., ET AL.,**

**Defendants.**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#: \_\_\_\_\_  
DATE FILED: 12/20/2021

**20-cv-8828 (ALC)**

**ORDER OF DISMISSAL**

**ANDREW L. CARTER, JR., United States District Judge:**

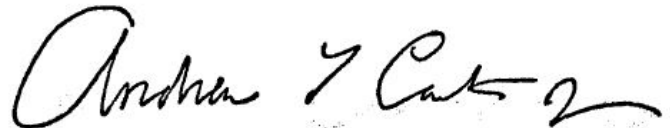
On September 20, 2021, the Court ordered Plaintiff to respond to Defendants' letter requesting a pre-motion conference in connection with their anticipated motion to dismiss the Complaint. ECF No. 49. On December 5, 2021, the Court ordered Plaintiff to show cause by November 30, 2021 as to why this action should not be dismissed without prejudice for failure to prosecute. ECF No. 52. Such showing was not made.

Accordingly, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .”).

The Clerk of Court is respectfully directed to serve Plaintiff with a copy of the instant order and terminate ECF No. 54.

**SO ORDERED.**

Dated: December 20, 2021  
New York, New York



**ANDREW L. CARTER, JR.  
United States District Judge**